



~~May 20, 2003 CPC~~
June 18, 2003 BS

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

03SN0243

13800 Hull Street Associates, L.L.C.

Clover Hill Magisterial District
North line of Hull Street Road

REQUEST: Rezoning from Light Industrial (I-1) to Corporate Office (O-2) and Neighborhood Business (C-2).

PROPOSED LAND USE:

Commercial and office uses, except as restricted by proffered conditions, are planned.

PLANNING COMMISSION RECOMMENDATION

RECOMMEND APPROVAL AND ACCEPTANCE OF THE PROFFERED CONDITIONS ON
PAGES 2 THROUGH 5.

STAFF RECOMMENDATION

Recommend approval for the following reasons:

- A. The proposed zoning and land use conform to the Upper Swift Creek Plan which suggests the property is appropriate for neighborhood-oriented retail uses that incorporate design controls to provide transition to residential uses.
- B. Proffered conditions provide maximum compatibility with, and minimal impact upon, the surrounding residential development. Proffered conditions address architectural, buffer, lighting and signage controls that further ensure land use compatibility and transition.

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(NOTE: THE ONLY CONDITION THAT MAY BE IMPOSED IS A BUFFER CONDITION. THE PROPERTY OWNER(S) MAY PROFFER OTHER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

PROFFERED CONDITIONS

The Owner (the "Owner") in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for itself and its successors or assigns, proffers that the development of the property known as Chesterfield County Tax Identification Numbers 727-673-4313 and 727-673-1442 (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for C-2 and O-2 is granted. In the event the request is denied or approved with conditions not agreed to by the Owner, the proffers and conditions shall immediately be null and void and of no further force or effect. If the zoning is granted, these proffers and conditions will supersede all proffers and conditions now existing on the Property.

- (STAFF/CPC) 1. Buffers. A fifty (50) foot buffer shall be provided along the northern property line adjacent to Tax ID 727-673-3980. This buffer shall comply with the requirements of the Zoning Ordinance for fifty (50) foot buffers, except that no trees greater than two (2) inches in caliper shall be removed from the buffer except as necessary to permit the installation of utility lines running generally perpendicular through the buffer, unless the Planning Commission, at the time of site plan review, approves the removal of trees greater than two (2) inches in caliper provided that other measures are taken to preserve the intent to maintain trees of greater than two (2) inches in caliper. Nothing herein shall limit the removal of diseased, dying or dead vegetation from the buffer. (P)
- (STAFF/CPC) 2. Building Height.
- a. Within the Neighborhood Business (C-2) portion of the Property, buildings shall not exceed a height of two (2) stories or thirty (30) feet, whichever is less, except that an entrance feature may be up to forty (40) feet in height.
- b. Within the Corporate Office (O-2) portion of the Property, any building or portion of a building that is located within 125 feet of the northern property line adjacent to Tax ID 727-673-3980 shall not exceed a height of one (1) story or twenty-four (24) feet, whichever is less. Within the Corporate Office (O-2) portion of the Property, any building or portion of a

building that is located greater than 125 feet from the northern property line adjacent to Tax ID 727-673-3980 shall not exceed a height of two (2) stories or thirty (30) feet, whichever is less. (P)

(STAFF/CPC)

3. Building Location. Within the Corporate Office (O-2) portion of the Property, no buildings, parking or driveway facilities shall be located closer than seventy-five (75) feet from the northern property line adjacent to Tax ID 727-673-3980. Parking and driveways that serve any building or portion of a building located within 125 feet of the northern property line adjacent to Tax ID 727-673-3980 shall be located south of such building. At the time of site plan review, the Planning Commission may modify this condition if it is determined that the employment of measures such as landscaping, grading or other design features will effectively minimize the visibility of parking areas from the Watch Hill Subdivision. (P)

(STAFF/CPC)

4. Signage. Each freestanding sign shall be a monument style sign and the shape of the sign face shall not be a uniform rectangle or square, but rather shall have a shape similar to the sign faces for the outparcels located within Harbour Pointe Shopping Center. The base/structure of each monument sign shall be constructed of the same material and colors as the building to which the sign refers. (P)

(STAFF/CPC)

5. Lighting.
- a. Within the Neighborhood Business (C-2) portion of the Property, freestanding parking lot lights shall not exceed twenty (20) feet in height and shall have a shoebox design.
 - b. Within the Corporate Office (O-2) portion of the Property, freestanding parking lot lights shall not exceed twelve (12) feet in height, shall have a shoebox design, and shall be sodium vapor unless the Planning Commission, at the time of site plan review, approves an alternative to sodium vapor lighting which will not adversely affect adjacent properties. Except for security lighting at building entrances and exits, there shall be no exterior building mounted lighting in the Corporate Office (O-2) portion of the Property within 100 feet of residentially zoned property, excluding Tax IDs 727-673-3980 (Brandermill Development Company Limited Partnership) and 727-673-1202 (Clover Hill Fire Station). (P)

(STAFF/CPC)

6. Prohibited Uses.
- a. The following uses shall not be permitted within the Neighborhood Business (C-2) portion of the Property:

- i. Churches and/or Sunday schools;
 - ii. Funeral homes or mortuaries;
 - iii. Rest, convalescent or nursing homes and other group care facilities; and
 - iv. Automobile self-service stations.
 - b. The following uses shall not be permitted within the Corporate Office (O-2) portion of the Property:
 - i. Churches and/or Sunday schools;
 - ii. Convalescent homes, nursing homes and rest homes;
 - iii. Group care facilities; and
 - iv. Funeral homes or mortuaries. (P)
- (STAFF/CPC) 7. Number of Buildings. No more than three (3) freestanding buildings shall be developed on the Property. (P)
- (STAFF/CPC) 8. Access to Route 360. The existing driveway access to Route 360 for the Property shall be closed. Then, the Property shall be permitted one (1) direct access to Route 360. The exact location of this access shall be approved by the Transportation Department. (T)
- (STAFF/CPC) 9. Road Improvements. To provide an adequate roadway system, the Owner shall be responsible for the following:
- a. Construction of an additional lane of pavement along Route 360 for the entire Property frontage.
 - b. Construction of additional pavement along Route 360 at the approved access, if constructed, to provide a separate right turn lane based on Transportation Department standards.
 - c. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. (T)
- (STAFF/CPC) 10. Phasing Plan. Prior to any site plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 9, shall be submitted to and approved by the Transportation Department. (T)
- (STAFF/CPC) 11. Timbering. With the exception of timbering which has been approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)

(STAFF/CPC)

12. Architectural Compatibility.

- a. Within the Neighborhood Business (C-2) portion of the Property, all buildings shall be compatible in architectural style, colors and materials to building(s) on Tax IDs 727-673-6256 (commonly known as Harbour View Professional Center) and 727-673-7830 (commonly known as BB&T). Roofs shall be standing seam metal. All visible rooflines shall have a pitch substantially similar to that used on Tax IDs 725-672-9524 and 8118 (commonly known as Walgreen's at Hull Street Road and Temie Lee Parkway), unless modified by the Planning Commission at the time of site plan review.
- b. Within the Corporate Office (O-2) portion of the Property, all buildings shall be compatible in architectural style, colors and materials to building(s) on Tax ID 727-673-2763. All visible rooflines shall be pitched substantially similar to the pitch used on Tax ID 727-673-2763 and shall be dimensional architectural shingles substantially similar in color to roofs on buildings on Tax ID 727-673-2763. (P)

(STAFF/CPC)

13. Landscaping. In conjunction with the installation of the required perimeter landscaping within the Corporate Office (O-2) portion of the Property, Leyland Cypress trees, or other similar evergreen approved by the Planning Commission at the time of site plan review, shall be installed parallel to the northern property line adjacent to Tax ID 727-673-3980 and in continuation with and spaced substantially similar to the existing row of Leyland Cypress trees located east of the Property on Tax ID 727-673-2763. This landscaping requirement is in addition to the perimeter landscaping requirement specified in the Zoning Ordinance. (P)

(STAFF/CPC)

14. Site Plan Approval. Site plans shall be submitted to the Planning Commission for review and approval. (P)

GENERAL INFORMATION

Location:

North line of Hull Street Road, west of Harbour View Court. Tax IDs 727-673-Part of 5817 and 7621; 786-653-0382; and 786-654-0329 (Sheet 26).

Existing Zoning:

I-1

Size:

8.0 acres

Existing Land Use:

Office and vacant

Adjacent Zoning and Land Use:

North - I-1; Vacant

South - I-1 with Conditional Use Planned Development; Commercial or vacant

East - C-3 with Conditional Use; Office or vacant

West - R-7 with Special Exception and Conditional Use Planned Development and R-7; Public/semi-public (fire station/water tower/communications tower) or vacant

UTILITIES

Public Water System:

There is an existing twenty-four (24) inch water line that extends along the north side of Hull Street Road, adjacent to this site. The existing structure on this site is connected to the public water system. Use of the public water system is required by County Code.

Public Wastewater System:

There is an existing eight (8) inch wastewater collector line extending along the northern boundary of this site and an eight (8) inch wastewater collector line extending across this site to serve the parcel, adjacent to the site's eastern boundary. The existing structure on this site is connected to the public wastewater system. Use of the public wastewater system is required by County Code.

ENVIRONMENTAL

Drainage and Erosion:

The property drains north via open ditches and storm sewers to an existing BMP in Harbour Pointe Shopping Center, then proceeds approximately 2,000 feet to Swift Creek Reservoir. There are currently no on- or off-site drainage or erosion problems and none are anticipated after development. The majority of the property is wooded and, as such, should not be timbered without first obtaining a land disturbance permit. This will ensure that adequate

erosion control measures are in place prior to any land disturbance activity. (Proffered Condition 11)

PUBLIC FACILITIES

Fire Service:

The property is currently served by the Midlothian Fire Station, Company Number 5, and the Forest View Volunteer Rescue Squad. This request will have minimal impact on fire and emergency medical service.

Transportation:

The entire property, eight (8) acres, is currently zoned Light Industrial (I-1). Based on light industrial trip rates, development could generate approximately 450 vehicles per day. The applicant is requesting rezoning on the northern half of the property to Corporate Office (O-2), and rezoning on the southern half of the property to Neighborhood Business (C-2). This request will not limit development to a specific land use; therefore, it is difficult to anticipate traffic generation. Based on general office and shopping center trip rates, development could generate approximately 4,340 vehicles per day. These vehicles will be distributed along Hull Street Road (Route 360).

The 2001 traffic volumes along the section of Route 360 from Otterdale Road to Route 288 range from 15,000 to 61,000 vehicles per day. The volume of traffic from Woodlake Village Parkway to Route 288 exceeds the capacity of the road, and drivers experience extreme congestion, especially during peak periods. The Virginia Department of Transportation Six-Year Improvement Program provides funding for only preliminary engineering and right of way acquisition to widen Route 360 to six (6) and eight (8) lanes from Swift Creek to Winterpock Road. Right of way acquisition is underway. Due to State budgetary shortfalls, no construction funds have been allocated to this project.

Development must adhere to the Development Standards Manual in the Zoning Ordinance, relative to access and internal circulation (Division 5). Access to major arterials, such as Route 360, should be controlled. In conjunction with development of the subject property, an access drive was constructed across the corner of the adjacent parcel to the west and onto Route 360. The access that serves the subject property is located on Route 360 approximately 250 feet west of the Harbour View Court/Deer Run Drive intersection. Due to the proximity of the access to that intersection, no additional development on or redevelopment of the subject property should occur and utilize the existing Route 360 access. The applicant has proffered to close the existing Route 360 access that serves the property, and will then be permitted one (1) direct access from the property to Route 360 (Proffered Condition 8). This access should be located approximately 500 feet west of the Harbour View Court/Deer Run Drive intersection.

The traffic impact of this development must be addressed. The applicant has proffered to construct an additional lane of pavement along Route 360 for the entire property frontage, and provide a separate right turn at the approved access based on Transportation Department standards. (Proffered Condition 9)

At time of site plan review, specific recommendations will be provided regarding access to Route 360 and internal site circulation.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Upper Swift Creek Plan which suggests the property is appropriate for neighborhood-oriented retail uses.

One (1) of the goals of the Plan is to provide transitional land uses between dissimilar uses. These transitional land uses should be of an intermediate intensity between the differing designations so as to avoid abrupt shifts in neighboring land uses. The subject property is located at the western edge of a neighborhood mixed use node that is focused around the Harbour Pointe Parkway/Hull Street Road intersection. Single family residential development is established north of the subject property, with public/semi-public uses located to the west (fire station/school). Development of the subject property should accommodate proper land use transitions to both the north and west.

Area Development Trends:

The subject property is surrounded by the Harbour Pointe Shopping Center and office development to the east; Clover Hill Fire Station and Clover Hill High School to the west; and the Watch Hill Subdivision development to the north. Properties to the south have been developed as part of the Deer Run Shopping Center. As an infill tract, it is anticipated that development on this property will provide a land use transition from the eastern neighborhood mixed use node to the public/semi public uses to the west, as well as from the Hull Street Road Corridor to the existing residential developments to the north.

Site Design:

Currently, the request property lies within an Emerging Growth Area and the Route 360 Corridor West Design Area. Development of the site must conform to the requirements of the Zoning Ordinance which address access, parking, landscaping, architectural treatment, setbacks, signs, buffers, utilities and screening of dumpsters and loading areas.

Uses:

Uses permitted in the Neighborhood Business (C-2) and the Corporate Office (O-2) portions of the property would be those uses permitted by right or restrictions in these respectful zoning districts, except as limited by Proffered Condition 6.

Architectural Treatment:

The subject property lies within the Route 360 Corridor West in the regional and community mixed use area of the Upper Swift Creek Plan. Within this area, the architectural style of buildings must use elements that interrupt the linear pattern and provide large-scale focal elements and pedestrian scale elements. Further, the architectural treatment of all buildings shall be compatible with buildings located within the same project or within the same block or directly across any road. Located on the western edge of the Harbour Pointe commercial/office development, the Ordinance would require that development of the subject property be architecturally compatible with this adjacent development.

In response to area residents' concerns, the applicant has proffered that buildings developed in the Neighborhood Business (C-2) portion of the project be architecturally compatible with specific contemporary-style buildings located in the Harbour Pointe commercial/office project and that buildings developed in the Corporate Office (O-2) portion be compatible with a specific residential-style building within that same project (Proffered Condition 12). As previously noted, the Ordinance requires architectural compatibility within the same project. At locations where existing buildings do not meet this Ordinance requirement for compatibility, the Director of Planning may waive this requirement. Although the varied architectural style and materials for the proposed office and commercial buildings do not meet this compatibility standard, they are consistent with the development pattern established within the Harbour Pointe commercial/office project and provide for architectural compatibility between the proposed office development and the adjacent residential subdivision to the north. As a result, the Director has indicated an intent to administratively waive the requirement for architectural compatibility within the same project in consideration of the applicant's intent to provide architectural transition from Hull Street Road to the adjacent residential development.

Building Height and Location:

In response to area residents' concerns, proffered conditions limit the height and the number of buildings on the subject property. Currently, the Ordinance restricts the height of buildings within 200 feet of the residential development of Watch Hill to two (2) stories or thirty (30) feet, whichever is less. Beyond this distance, building height may be increased to three (3) stories or forty-five (45) feet, whichever is less. The applicant has proffered that any building or portion thereof located within 125 feet of the northern boundary of the subject property cannot exceed a height of one (1) story or twenty-five (25) feet, whichever is less. Beyond this 125 foot distance, building height may be increased to two (2) stories or thirty

(30) feet, whichever is less. Entrance features within the commercial tract may be up to forty (40) feet in height (Proffered Condition 2). In addition, a maximum of three (3) buildings may be located on the property. (Proffered Condition 7)

Currently, the Zoning Ordinance requires a minimum setback for buildings, parking and drives of twenty (20) feet from the northern boundary of the subject property. In response to area residents' concerns, Proffered Condition 3 requires that this setback be increased to a minimum of seventy-five (75) feet. Further, to minimize the views of parking areas from the adjacent Watch Hill Subdivision, any parking and driveways that serve any building or portion of a building located within 125 feet of the northern property line must be located south of such building(s). This condition may be modified by the Planning Commission at the time of site plan review subject to measures that accomplish the same intent. (Proffered Condition 3)

Buffers, Screening and Landscaping:

The Zoning Ordinance requires that solid waste storage areas (i.e., dumpsters, garbage cans, trash compactors, etc.) on property which is adjacent to an R District be screened from view of such district by a masonry or concrete wall which is constructed of comparable materials to and designed to be compatible with the principal building that such area serves and that such area within 1,000 feet of any R District not be serviced between the hours of 9:00 p.m. and 6:00 a.m. In addition, sites must be designed and buildings oriented so that loading areas are screened from any property where loading areas are prohibited and from public rights of way.

Adjacent property to the north is zoned Light Industrial (I-1). The Zoning Ordinance does not require the provision of a buffer along this northern property line. Nothing would preclude this adjacent I-1 property, which measures approximately fifty (50) feet in width, from being cleared of existing vegetation, thereby exposing the adjacent Watch Hill Subdivision to direct view of the subject property. Therefore, the provision of a buffer on the subject property would be appropriate. The applicant has agreed to provide a fifty (50) foot buffer along this northern property boundary. In response to area residents' concerns, no trees greater than two (2) inches in caliper can be removed from the buffer unless approved by the Planning Commission at the time of site plan review. (Proffered Condition 1)

In response to area residents' concerns, proffered conditions require that a row of evergreen trees be installed parallel to the northern boundary of the property and aligned with similar plantings on an adjacent property to the east. These plantings are in addition to perimeter landscaping requirements of the Ordinance. (Proffered Condition 13)

Lighting:

In response to area residents' concerns, proffered conditions restrict the height and design of freestanding parking lot lights. The height of such lighting would be reduced as development occurs closer to the residential areas to the north. Further, use of building mounted lighting,

except for security lighting, is precluded within 100 feet of the residential property to the north. (Proffered Condition 5)

Signs:

Since the subject property will be architecturally-incorporated into the adjacent Harbour Pointe Shopping Center, the proffered conditions for the design of freestanding signs within the commercial and office tracts are consistent with those applicable to the Harbour Pointe Shopping Center. (Proffered Condition 4)

Site Plan Approval:

In response to area residents' concerns, Proffered Condition 14 requires that all site plans be considered for approval by the Planning Commission rather than through an administrative review. It should be noted that the criteria under which a site plan is considered is consistent for both administrative and Commission reviews and only allows actions which are intended to ensure compliance with the Ordinance and conditions of zoning.

CONCLUSIONS

The proposed zoning and land use conform to the Upper Swift Creek Plan which suggests the property is appropriate for neighborhood-oriented retail uses that incorporate design controls to provide transition to residential uses.

Proffered conditions provide maximum compatibility with, and minimal impact upon, the surrounding residential development. Proffered conditions address architectural, buffer, lighting and signage controls that further ensure land use compatibility and transition.

Given these considerations, approval of this request is recommended.

CASE HISTORY

Applicant (5/12/03):

Revised and new proffered conditions were submitted. Those proffers addressed concerns expressed by area property owners and the Clover Hill Commissioner relative to buffers (Proffered Condition 1), architectural compatibility (Proffered Condition 12.a.) and site plan approval (Proffered Condition 14).

Planning Commission Meeting (5/20/03):

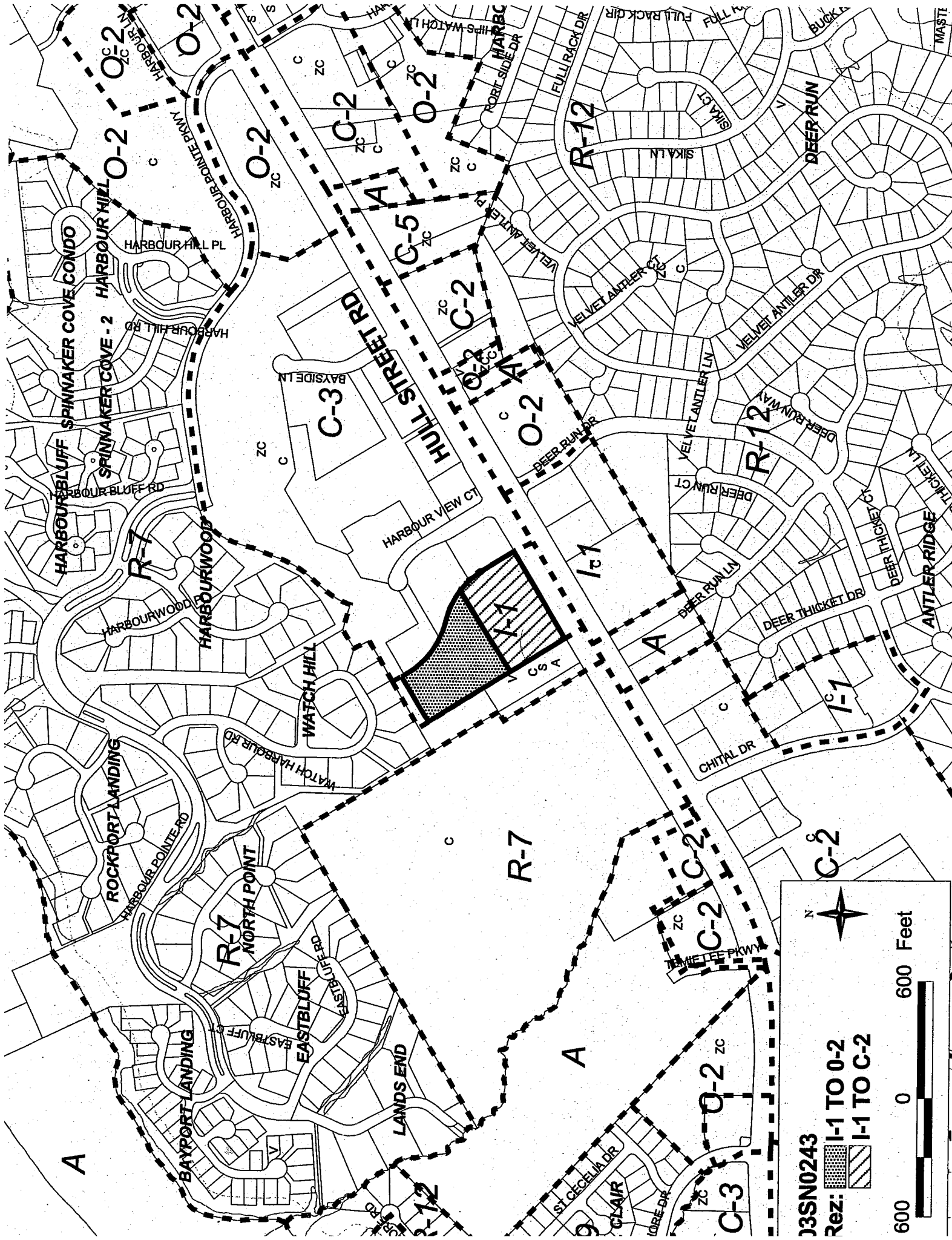
The applicant accepted the recommendation.

There was no opposition present.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission recommended approval of this request and accepted the proffered conditions on pages 2 through 5.

AYES: Unanimous.

The Board of Supervisors, on Wednesday, June 18, 2003, beginning at 7:00 p.m., will take under consideration this request.



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Rez:  I-1 TO O-2
 I-1 TO C-2